

Commission Sends Lake Creek Rezoning Back To Planners

The Wasatch County Commission Monday returned to the Planning Commission a request to rezone 66 acres in Lake Creek from RF-1 (residential-forestry) to RA-3 (residential-agriculture).

The developer, Brent Hill, asked for the rezoning so he can subdivide the land into 44 lots of at least one acre each. The property is located on Lake Creek Rd., about 4.5 miles east of Heber City.

During the public hearing before the commissioners made their decision, neighbors protested the rezoning, saying there already is a water shortage in the area and that the proposed septic tanks and drain fields could leach into the ground water. They said most of them have had to redrill their wells during the past several years, from 120 feet deep to over 300 feet deep. They also are concerned about the increase in traffic the subdivision will generate. Michelle Lynch, one of the neighbors, said the site provides winter habitat for bald eagles and that deer deprivation will increase as

more of its habitat is developed. She asked if the impact of the additional population on the already crowded county school system had been considered.

One of the arguments against the subdivision is that Lake Creek residents selected their home sites because of the open, rural atmosphere, and expected it to remain that way because of the zoning. They claim it wouldn't be fair to them to change zoning just because someone wants to subdivide land and build a more dense development than the present zone would allow.

Hill countered that if any of them knew the area was zoned RF-1 when they bought their property, they knew more than either he or county officials did. He said the county planning office and members of the planning commission that zoned neighboring land to RA-1 thought at first that the property was zoned RA-3, which Bob Mathis, county planner, verified. Sterling Anderson, the realtor who handled the sale of the property to

Hill, said the appraiser was told it was zoned RA-3, and called the RF-1 designation a mistake. Mathis said all irrigated land in the area was zoned RA-3 and, since about two thirds of Hill's property is irrigated, it should also have been zoned RA-3.

He said he recommended the rezoning, but only if Hill's development is consistent with what is allowed in the other RA-3 zones in the county.

Gordon Mendenhall, former Heber City Mayor, explained the main reason wells have gone dry is not a shortage of water, but because water that used to flow along streams, and recharge the aquifer (underground water source), is now piped. Another reason, he said, is that Lake Creek irrigators use sprinkling systems, rather than flood irrigation, which also reduces the amount of water that enters the aquifer.

Phil Wright, City-County Health Department director, said

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test holes showed most lots in the development would meet State regulations that require at least four feet of suitable soil below sewage drain fields. He said geologists will determine whether or not the ground and surrounding geology will protect water sources from sewage contamination.

He further explained that if some lots aren't suitable for the sewage systems, they can form a cooperative organization and pipe their sewage to an appropriate site.

Hill says the ability to pump 58,000 gallons of water per day from the project's well is only for fire protection. He said the average water use would be only 800 gallons per home, or a total 13,000 gallons per day. He said there would be a dual water system, so culinary water would not be used for irrigation.

One of the neighbors countered that 44 homes using 800 gallons per day would total over 35,200 and, according to the project's environmental impact statement (EIS), six of the lots would be irrigated with well water. She said daily use of the 58,000 gallons per day is accounted for in the EIS, and an additional reserve for fire protection would be stored.

In any case, Mathis explained that the state water engineer will determine water rights, who drills

wells, and where they will be drilled, and must determine the effect on other water users.

Several of the protesters asked the commission to put a halt to subdividing land until the county's new master plan is in place. They agreed with the present master plan that calls for development to be clustered near the incorporated cities and their services and objected to what they called spot zoning for each developer. One man read part of the master plan that says zoning should only be changed if the new zone is shown to be completely compatible with the surrounding land use and environment.

Fay McGuire, former county commissioner, said it would be illegal to change the zoning without first changing the master plan, because the new zone wouldn't comply with the master plan. He said if this zoning change takes place for the sake of a single developer, other developers will ask for the same, which is what many of the protesters say they are concerned about.

Paul Scarpelli noted that the results of soil and water tests were conspicuously absent, and said he would like to see the facts.

Mathis responded that all the results are not in yet and that they are not required for a zone change, only before the design can be approved.

He said the outlined lots in the subdivision are only tentative, and the final plats will not be drawn up until all the tests are in.

McGuire said the feasibility of the water supply should have been determined before the project got this far. He said future developments should solve their water and sewer problems before asking for decisions from the county.

Commission Chairman Moroni Besendorfer said he had received five letters protesting the development, but didn't read them aloud because some were very long. But he said they stated the same reasons as those at the hearing.

Commissioner LaRen Provost said the questions that had been asked need to be addressed before a decision is made on the zoning. Commissioner Pete Coleman said the planning commission should decide whether or not the zoning should be changed, and what stipulations to add if the area is rezoned.

Hill said the planning commission had recommended changing the zone, but the commissioners said they thought the planning commission should have more information and that the neighbors should have a say in the decision. They voted unanimously to return the matter to the planning commission for further review and a recommendation.

Bear welcome in Wasatch County but he must find a new home

July Aug
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By SONNI SCHWINN
Herald Correspondent

HEBER CITY — An 18-month-old black bear is welcome to continue to live in Wasatch County, but must move to a new home within a year.

The bear presently lives on property owned by Cheryl and David Moser, in the Lake Creek area east of Heber City, which is zoned for agriculture and doesn't allow a bear. The Mosers assumed they had permission from the county to keep the bear on the property since they had a federal permit, which requires approval from the county.

But Bob Mathis, county planner, says the county did not give its approval and no one ever asked whether the bear would be

allowed in that zone.

Gene Edwards, a co-owner of the bear, has purchased 82 acres in Daniels and started to build a home there since the issue was first brought to the attention of the commissioners three weeks ago. He said he would build a facility for the bear on the property, but would need about two years to finish construction and get federal approval.

Deputy County Attorney Dan Matthews said two years would be too long and asked the owners to compromise on one year, which they agreed to. But he stipulated that they also must sign a letter acknowledging that the bear is now in the wrong zone, to avoid problems for the county if they fail to meet the one-year deadline.

The Mosers said the county should look into cases in which exotic animals, like boa constrictors, are being kept in zones that do not permit them. Although Mr. Moser still maintains the bear is as domestic as a cow, not an exotic animal, he did not object to moving it by the deadline.

In other business, County Sheriff Mike Spanos said it is time to open the budget to transfer \$12,000 to \$13,000 in order to pay one half of the bill for the criminal justice facility study that is being completed. The Permanent Community Impact Fund Board has awarded the county a \$12,925 grant for the other half.

A final report on the study and a proposal for the new facility, which will include a jail, sheriff's office.

Signups being

PROVO — Signups are still being accepted for a motorcycle ride/benefice fund-raiser for Independence High.

The motorcycle ride begins at Monarch Honda/Henry-Davisson, 350 W. 800 North, Orem, at 10 a.m. Sunday. Participants will ride through Provo Canyon to He-

ber City and then back down the canyon to Raun's Wilderness Park, 1600 W. 300 North.

Anyone wishing to participate should send their \$15 entrance fee to Independence High School Key Club, 350 W. 500 South, Orem.

Anyone wishing to attend the benefit must also send \$15 per person to the school.

Proceeds from the event will go towards sending Key Club members to the International Key Club Convention in Canada next month.

Two local Harley-Davidson motorcycle clubs are working with the school to produce the ride. About 65 club members have indicated they will participate.

What's new

HEBER CITY — David Barr, 41, of Garland, Texas, last week began serving a minimum five-year sentence in Utah State Prison for holding up a convenience store April 30 at Currant Creek, about 20 miles southeast of Heber City, and leading Wasatch

NEPHI — The Jub School District appointed personnel to be responsible for approved capital outlay sites improvement and building remodeling projects.

Individual principals are responsible for the "leg work" for many of the projects, said Superintendent Kirk Wright.

Norm Wall was appointed as the overall building and grounds director.

In addition, Wall will oversee the parking lot and driveway resurfacing projects, the project to enclose the Mona school library and Mona Elementary School project which include a multi-purpose room divider, play ground equipment, and site improvement projects at the school.

Wall will also be over the heating and air conditioning conversion.

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Obituaries

Geologist calls Heber development sound

By SONNI SCHWINN
Herald Correspondent

HEBER CITY — A proposal to drill a new well and install septic tanks at Lake Creek Estates, 4.5 miles east of Heber City, is geologically sound, according to an independent study by geologist Bill Gordon.

Project developer Brent Hill has asked the county to rezone 66 acres from RF-1 (recreation-forestry) to RA-3 (residential-agriculture) so that he can subdivide the property into 43 lots of one to three acres each. Neighbors oppose the change, claiming the more than 300-foot-deep well will take water from their already limited and shrinking supply, and that the individual septic tank/leach field systems proposed for each lot could contaminate groundwater.

The Wasatch County Planning Commission recommended in May that the county commission approve Hill's application for rezoning after a public hearing held in June. But the county commissioners returned the application to

the planners without making a decision, saying too many questions by neighboring landowners hadn't been answered. The geotechnical engineering firm was hired to produce some of those answers.

The planning commission will study the results of the geological report and decide at a Sept. 3 meeting whether to recommend the zoning change to the county commission, which will make the final decision. If the planners vote against it, Hill can still appeal to the county commission for the change.

Gordon told the planning commission during a recent meeting that the project's well will not effect neighboring wells. He said the geology is not ideal for the septic tank-leach field systems in about 10 percent of the subdivision, in isolated zones, but commonly used methods can compensate for the problems in those areas.

Neither county planner Bob Mathis nor the commission had received Gordon's written report until just before the meeting. They postponed their decision so they

could study the report, and to allow Mathis time to prepare his written recommendation.

Whether Hill can dig the well, or convert his irrigation water rights to culinary water rights, is entirely up to the state water engineer. Mathis made it clear that the county's intent is not to use the geological findings, "the zoning ordinance, or the subdivision sections of the county code, to supplant the regulations that the state engineer has over water rights."

Many of the neighbors argue that they moved into the area to enjoy the open, natural environment and counted on the existing zoning to protect them from the type of subdivision Hill proposes. Some also disapprove of developers coming into the county just to "make their money and run," without any concern about the effect of their projects on the environment or the people.

Cathy Godfrey, acting commission chairman, said she understood the neighbors' desire to protect the open atmosphere that drew them to the area, because that's also why she moved to the Heber Valley.

"But do I have the right to stop any more development in my neighborhood because I don't like their plans?...That's the sort of thing we have to deal with."

Developer requests decision clarification

By SONNI SCHWINN
Herald Correspondent

HEBER CITY — Brent Hill, who has asked the Wasatch County Commission to rezone 59.5 acres in Lake Creek from RF-1 (recreation-forestry) to RA-3 (residential agriculture), asked the commission recently to clarify its reasons for referring the matter back to the planning commission.

He reviewed the process that has taken place since April, when he first asked for the change so he could build a 43-lot subdivision and filed a request for preliminary approval of his plan.

Hill has withdrawn his application for approval until the zoning issue is settled, but claims some of the extensive studies he has been required to pay for are related to approval rather than zoning.

He pointed out the planning commission voted to recommend the zone change on May 7, but requested that a buffer zone on one section of the subdivision be enlarged, which he agreed to. He also noted that, according to planning commission minutes, the commission recommended changing the zone to RA-3 in 1987, but question was never voted on by the county commission. He said that's why he thought the property was already zoned RA-3 when he purchased it.

When the application for rezoning came before the county commissioners June 15 for a final vote, they decided there was new information that hadn't been available to the planners when they made their recommendation. They also asked for more details about water quality and the effect of the proposed septic tanks.

Questions about water rights also had been raised, but those decisions are up to the state water engineer.

Hill said he did not think the commissioners were asking the planners to reconsider their recommendation, which would be a third vote on the same request for rezoning. He said his attorney advised him that the county commission could not refer the question back to the planners to vote over and over "until they get it right."

He said he understood the planners were only asked to consider more detailed information about two issues, not the entire rezoning application. He said he felt as though the entire rezoning process was starting over and had become "a political basketball."

In the meantime, Hill paid for the additional studies the commissioners requested, even though he thought they related to preliminary approval and weren't pertinent to rezoning. The results were presented to the planners, but because of changes in the membership on the planning commission, only one of the members now on the board heard the report.

In addition, the county planner wrote a recommendation supporting the new zoning, partly based on the additional information, but also partly based on criteria that the county attorney, Steve Hansen, said was not appropriate.

He said if the planners based their May 7 recommendation on anything other than the standards specified in the county zoning code, it is invalid and they should review the application and vote again. He emphasized that the planners are not starting over.

The planning commission has postponed its vote until Oct. 1.

Hansen also said the 1987 recommendation is irrelevant because it was made by a different planning commission based on a different development proposal and other different conditions than the pending rezoning application.

Lake Creek residents want service district for sewer line

By PAULA WATTS
Herald Correspondent

HEBER CITY — Residents of the Lake Creek area want the Wasatch County commissioners to create a special service district to install a sewer line.

Dale Berg, a paid consultant to several residents of Lake Creek, explained the proposal to the county commission Monday saying that the expected growth rate, based on developers and landowners in the area, requires measures to accommodate sewage disposal to safeguard culinary water.

The proposal, brought by Berg and Russell Wall, a Lake Creek dairy farmer, calls for the creation of a special service district that would include more than four miles of sewer line.

Wall started a petition after he conducted septic tests on his property and noticed water levels were

too high to safely use septic tanks at times during the year. Bob Mathis, city planner, said many other Lake Creek residents voiced concern during the public hearings for the Lake Creek Estates Development for their well water. Mathis said that Wall is following a statute which allows citizens to petition their government for assistance.

Berg and Wall asked the signers of the petition if they believe being included in a special service district is in their best interest. Those residents who agreed are aware of a cost to hook up the new lines.

County engineer LeeRoy Far-

rell said he is concerned with people in the area who were not contacted and may not be aware of fees or requirements to join the new district. He said citizens would want to know what the new district would cost them. He asked that the law requiring citizens to join with the line if they live within the district be made available.

Berg asked the commissioners to issue a resolution giving notice of intent to form a special service district. Commissioners denied the request at this time because they didn't agree with the boundary lines. The proposal is complicated because the proposed boundary

line is drawn to go around and exclude residents who didn't sign the petition. Commissioners asked Berg and Wall to contact those Lake Creek residents who were left out and then report back to the commission.

In other business, the commission heard a request from Wallburg Mayor Scott Wroten. Wallburg would like to contract with the county for a building inspector because Wallburg does not employ a building inspector. Wroten said plans submitted for approval are minimal due to a water hook-up moratorium.

Commissioner Pete Coleman

said they would consider his request after January. He said that there is already too much pressure on the county building inspector.

The commission also heard a report from Wasatch County Sheriff Mike Spanos.

Spanos said that he received a letter from Progressive Management Services Inc., PMSI, indicating that the company is no longer supporting law enforcement software packages. Spanos said his department looked into several different software packages to replace PMSI. His formal recommendation to the commission was a software package from Spillman,

of Logan.

With Spillman, the department could continue to use current terminals or personal computers. Spillman includes a prosecution module which would assist the county attorney's office as well, he said. Spillman also offers the ability to access the county's new software as well as the state's computer system, he added.

Deputy Sheriff John Rogers has been the consultant for the department in selecting the new software. According to Rogers, the sheriff's department often enters information into its former system and has no way of retrieval.